

Attorney:
MICHAEL FAILLACE, ESQ.
CSM LEGAL, P.C.
60 EAST 42ND STREET SUITE 4510
NEW YORK NY 10165



UNITED STATES DISTRICT COURT-SOUTHERN DISTRICT
OF NEW YORK

ORLANDO MINO HERNANDEZ, ET AL
Plaintiff

LIRA OF NEW YORK INC D/B/A LUKE'S BAR & GRILL, ET AL
Defendant

Index / case #: 1:20-CV-04457

AFFIDAVIT OF SERVICE

Kings County, State of: New York Arnon Jone being sworn,
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: New York

On 2/17/22 at 3:18 am/pm at: 1394 3RD AVENUE NEW YORK NY 10075

Deponent served the within: MEMORANDUM OPINION AND ORDER; FIRST AMENDED COMPLAINT

On which were set forth the Index No., herein, and date of filing

On: LUIGI MILITELO C/O LUKE'S BAR AND GRILL
(herein after called the recipient) therein named.

☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein

☐ Suitable Age person By delivering thereat a true copy of each to: _____
a person of suitable age and discretion. Said premises is recipients [] Actual Place of Residence
[] Actual Place of Business within the State.

☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [] Actual Place of Residence
[] Actual Place of Business, within the State
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there

☒ Corporation or Partnership By delivering thereat a true copy of each to: John Doe (Refused Name)
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said
aforementioned document as said recipient and knew said individual to be Manager thereof.

☐ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed
to recipient at recipients last known [] Actual Place of Residence [] Actual Place of Business
at _____
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within
New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof
by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.

☒ Description [☒ Male [] White skin [☒ Black hair [] 14-20 Yrs [] Under 5' [] Under 100 Lbs
[] Female [] Black skin [] Brown hair [] 21-35 Yrs [] 5'0"-5'3" [] 100-130 Lbs
[] Yellow skin [] Gray hair [☒ 36-50 Yrs [] 5'4"-5'8" [] 131-160 Lbs
[☒ Brown skin [] Blonde hair [] 51-65 Yrs [☒ 5'9"-6'0" [☒ 161-200 Lbs
[] Red skin [] Red hair [] Over 65 Yrs [] Over 6' [] Over 200 Lbs

Other Identifying Features _____

☐ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of _____

Sworn to before me on 2/21/2022

(Print name below signature)

Arnon Jone, 21064-009

TAMARA TOWSHIN ALAM
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01AL6369961
File No. 1:20-CV-04457
My Commission Expires: 1/18/26

Work Order No. 563760
SLS process Serving Co. LLC-2094823
90 State St. Albany NY 12207

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 01/31/2022

ORLANDO MINO HERNANDEZ, *individually and on behalf of others similarly situated*, OSMEL RUBEN SOSA NAJERA, *individually and on behalf of others similarly situated*, RAFAEL BASURTO GOMEZ, *individually and on behalf of others similarly situated*, JOSE LUIS MENDEZ, *individually and on behalf of others similarly situated*, MIGUEL MIRANDA, *individually and on behalf of others similarly situated*, ROSALIO PEREZ, *individually and on behalf of others similarly situated*, ANGEL GEOVANI RAMOS, and PALEMON BENITO ANTONIO,

Plaintiffs,

v.

LIRA OF NEW YORK INC., *doing business as LUKE'S BAR AND GRILL*, LUIGI MILITELO, TOMMY TIN, JONATHAN MATEOS, and LUIGI LUSARDI.

Defendants.

No. 20-CV-4457 (RA)

MEMORANDUM
OPINION AND ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiffs brought this case against Defendants in 2020, alleging violations of the Fair Labor Standards Act ("the FLSA"), the New York Labor Law, and the Spread of Hours Wage Order. Three of the individual Defendants—Luigi Militelo, Jonathan Mateos, and Tommy Tin ("the moving Defendants")—have moved to dismiss for lack of personal jurisdiction due to improper service of process. For the reasons that follow, the motion is denied.

Plaintiffs initiated this action on June 10, 2020 with the filing of a complaint. On September 24, 2020, the Court issued an order observing that Plaintiffs had not filed proof of